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CONTINUING THE PRACTICE OF
GEORGE H. RICHES AND ASSOCIATES
ESTABLISHED 1887

May 16, 2006

FAX COVER SHEET

TO : United States Patent Office
NAME : Examiner BERHANE, Adolf D.
FAX NO. : (571) 273-8300
FROM : Jeff Pervanas
FAX NO. : 416-961-5081

Re: ELECTROVAYA INC.
Patent Application in U.S.A.
Serial No. : 10/661813 Filing Date: September 15, 2003
Our Case : P63902
Art Unit : 2838
Examiner : BERHANE, Adolf D.
Title : Energy Storage Device for Loads Having
Variable Power Rates
FINAL OFFICE ACTION MAILED MARCH 17, 2006
DUE DATE : MAY 17, 2006

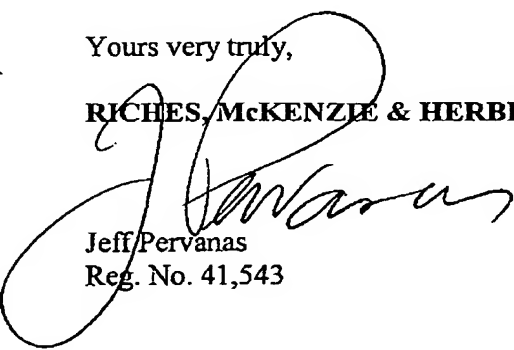
NUMBER OF PAGES (INCLUDING THIS SHEET): 12

MESSAGE: If problems occur in transmission of these pages, please contact the undersigned.

Yours very truly,

RICHERS, MCKENZIE & HERBERT LLP

JP/cbo



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Reg. No. 41,543

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MAY 16 2006

IN THE UNITED STATES PATENT OFFICE

PATENT APPLICATION

AMENDMENT

Our Case: P63902

Re: DASGUPTA, Sankar; JACOBS,
James K.; and BHOLA, Rakesh
Serial No. 10/661,813
Filed: September 15, 2003
Title: "Energy Storage Device for
Loads Having Variable Power Rates"

Examiner: BERHANE, Adolf D.
Art Unit: 2838
Toronto, Ontario
Date: May 16, 2006

MAIL STOP AF
U.S. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

Dear Sir:

INTRODUCTORY COMMENTS

This is an Amendment and Response to the final Office Action dated March 17, 2006 ("the Final Office Action"). An advisory action is respectfully requested as set forth on page 4 of the Final Office Action.